

AUG 16 2006

PATENT

Appl. No. 09/587,542  
Amdt. dated August 16, 2006  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 2143

REMARKS/ARGUMENTS

Claims 1-12 were pending in this application.

In this Amendment, claims 1, 3 and 8 are amended, no claims are cancelled and no claims are added. In the Office Action, the Examiner rejected claims 1-12 under 35 USC §103(a) as being unpatentable over "TCP-like Congestion Control for Layered Multicast Data Transfer" by Vicisano et al. (hereinafter "Vicisano"), in view of U.S. Patent No. 6,505,253 issued to Chiu et al. (hereinafter "Chiu").

Applicant appreciates the Examiner taking the time for an Examiner Interview on August 15, 2006. During that conference call, the Examiner, the undersigned attorney and the named inventor discussed the invention and proposed amendments to the claims. Applicant submits that the amendments made herein are along the lines discussed in the interview as being acceptable to the Examiner, subject to the support requirements of 25 USC §112.

Claim 1 is amended to recite "logic for monotonically reducing the sending rate of at least one of the plurality of layers over time." Reducing the sending rate of a layer over time is clearly disclosed in the originally filed application. See, for example, Figs. 10, 11 and 14 of the originally filed application, and the accompanying text. Those figures show that the sending rate of layers decline over time and show that they do so monotonically, so this amendment is supported by the originally filed application. Applicant submits that other portions of the originally filed application further support teaching that claim limitation.

Applicant submits that neither Vicisano nor Chiu explicitly teach this element. While those references might show reducing transmission rates, such reduction is in response to measured congestion and/or receiver feedback. As such, it is likely that rates go down as congestion occurs and go up as congestion eases. By contrast, with the methods described in the present application, the rates for a layer go down and a host maintains its received traffic by joining additional layers to offset the loss of rate. As layers go to zero rate and then possibly get reused, a reused layer would start being reused at a nonzero rate, such as has been claimed in claims 2, 6 and elsewhere, but once that reused layer started, its rate would be reduced monotonically as well.

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The other independent claims, claims 3 and 8, have been similarly amended and similar arguments apply to those claims and dependent claims 2, 4-7 and 9-12.

In view of the above, Applicant submits that it is apparent that Vicisano and Chiu, taken alone or in combination do not disclose or suggest each element of the claims and therefore, those claims should be allowed over those references.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
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Dated: Aug 16, 2006

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